

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SECURITIES AND EXCHANGE COMMISSION,
Plaintiff,

v.

DRIVE PLANNING, LLC, et al.,
Defendants,

and

Relief Defendants

Jacqueline Burkhalter, The Burkhalter Ranch Corporation,
Drive Properties, LLC, Drive Gulfport Properties LLC,
and TBR Supply House, Inc.

Case No. 1:24-cv-03583-VMC

**EMERGENCY MOTION TO STAY ENFORCEMENT OF RULE 70 DEED
TRANSFER PENDING APPEAL**

COMES NOW, **Mark Paul Haye, pro se**, as Trustee of the Mark P. Haye Living Trust, and respectfully moves this Court on an emergency basis to **stay enforcement** of the Receiver's Rule 70 Motion (ECF No. 259) and related Reply (ECF No. 272), pending resolution of my appeal currently before the Eleventh Circuit (Case No. 25-12437-E).

I. Appeal is Currently Pending

1. On August 2025, I filed a timely Notice of Appeal challenging the Court's Opinion and Order (ECF No. 152) imposing a constructive trust and ordering turnover of my home.

2. Jurisdiction over the merits now lies with the Eleventh Circuit, and it would be premature for this Court to authorize the execution of a deed under Rule 70 while appellate review remains pending.

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

SEP 22 2025

KEVIN P. WEIMER, Clerk
By: *Matthew A.* Deputy Clerk

II. Irreparable Harm

3. If the Clerk executes the quit claim deed before the Eleventh Circuit issues a decision, I will suffer **irreversible loss of my home**.

4. Even if the appellate court later rules in my favor, the damage cannot be undone, making this harm irreparable.

III. Balance of Equities

5. The Receiver's interests are adequately protected because the property remains preserved.

6. By contrast, the harm to me is permanent and life-altering if the deed is executed prematurely.

IV. Likelihood of Success and Serious Questions on Appeal

7. My appeal raises substantial issues regarding due process, defective service, and my rights as a good-faith transferee for value.

8. These issues warrant full appellate consideration before any irreversible enforcement occurs.

V. Public Interest

9. Granting a stay protects the integrity of appellate review, ensures fairness, and avoids unnecessary prejudice to a pro se litigant who has consistently sought to be heard.

PRAYER FOR RELIEF

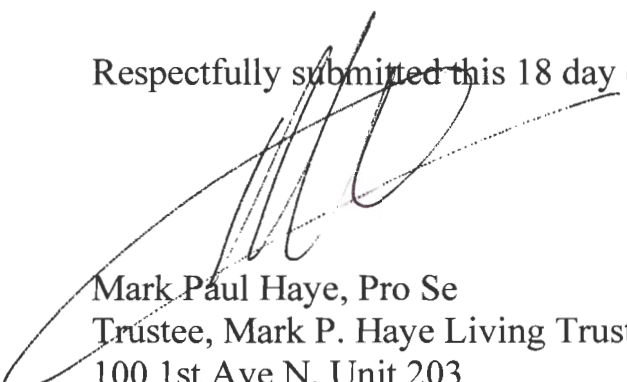
WHEREFORE, I respectfully request that this Court:

1. **Stay all enforcement** of the Receiver's Rule 70 Motion (ECF No. 259) and Reply (ECF No. 272) pending resolution of my appeal in the Eleventh Circuit;

2. Preserve the status quo so the appellate court may review these issues without the case becoming moot; and

3. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted this 18 day of September, 2025.



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SAINT PETERSBURG FL

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CLEARED DATE

SEP 22 2025

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